

City of Norfolk

Office of the City Manager

Cc: Dir., Planning and Community Development

April 6, 2004

To the Honorable Council
City of Norfolk, Virginia

Re: Special Exception – 5802 East Virginia
Beach Boulevard, Suite 140

Lady and Gentlemen:

Attached is the recommendation of the City Planning Commission on the application of Wasabi, Inc.

The former Montgomery Ward located within the JANAF Shopping Center has been converted to a shopping center with approximately 21 tenants. Wasabi is a steakhouse and sushi bar restaurant that would like to serve beer, wine and mixed beverages to their patrons.

There will be no entertainment and 176 seats will be provided.

The Planning Commission unanimously recommends (by a 6 to 0 vote with one abstention) that this adult use special exception for the eating and drinking establishment be approved subject to the following conditions:

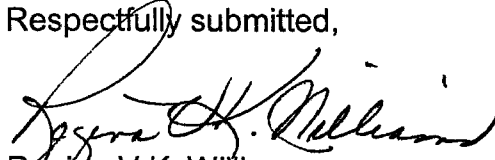
- 1) The hours of operation shall be from 10:30 a.m. until 1:00 a.m., seven days a week.
- 2) There shall be no more than 176 seats.
- 3) No entertainment shall be provided.
- 4) The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.
- 5) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto.
- 6) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be

R-3


effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

The attached ordinance approves the request should it be the desire of the City Council.

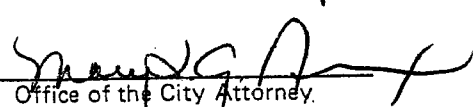
Respectfully submitted,



Regina V.K. Williams
City Manager

Form and Correctness Approved: 

Contents Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

By 
DEPT Planning**ORDINANCE No.**

AN ORDINANCE AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT BY WASABI, INC. ON PROPERTY LOCATED AT 5802 EAST VIRGINIA BEACH BOULEVARD, SUITE 140.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of an eating and drinking establishment by Wasabi, Inc. on property located at 5802 East Virginia Beach Boulevard, Suite 140. The property which is the subject of this Special Exception is more fully described as follows:

A building measuring 588 feet, more or less, in width and 280 feet, more or less, in depth and located in Janaf Shopping Center, 365 feet, more or less, east of Military Highway and 580 feet, more or less, north of Virginia Beach Boulevard.

Section 2:- That the Special Exception hereinbefore granted shall be subject to the following conditions:

- (a) The hours of operation for the on-premises sale of alcoholic beverages shall be from 10:30 a.m. until 1:00 a.m., seven days a week.
- (b) There shall be no more than 176 seats.
- (c) No entertainment shall be provided.
- (d) The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.
- (e) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto.
- (f) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of

this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

Section 3:- That the City Council hereby makes the following findings of fact:

- (a) That the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- (b) That the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- (c) That the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- (d) That all applicable regulations of the zoning ordinance and special conditions attached to special exception will be observed.

Section 4:- That the City Council hereby waives the dispersal and setback requirements for adult uses as set forth in Section 25-10.1 of the Zoning Ordinance of the City of Norfolk, 1992.

Section 5:- That this ordinance shall be in effect from the date of its adoption.



City of Norfolk

EXHIBIT "A" On-Premise Sale Of Alcoholic Beverage

Date of Application _____

Trade name of business: WASABI, INC.

Address of business: 5802 E. VIRGINIA BEACH BLVD, SUITE 140

Name(s) of business owner(s) SHI JI LIN, VIRGINIA CHEN, MICHAEL LA

Name(s) of property owner(s): _____

Name(s) of business manager(s)/operator(s): KENT CHEN

Daytime telephone number: (215) 776-1805

1. Total Occupancy _____ Total number of seats 176
Number of bar seats 12 Number of Tables _____

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

RECTANGULAR SEATS 8, SQUARE OF 4, RECTANGULAR OF 2

3. Will indoor or outdoor entertainment be provided? _____ If yes, describe the type of entertainment (i.e., 3 piece band, disc jockey, etc.)

NO

4. Will video games, pool tables, game boards or other types of entertainment be provided? If yes, please describe type and number of each game to be provided:

NO

ABC On-Premises Special Exception
Page 2

5. Type of ABC license applied for (check all applicable boxes):

- ☒ On Premises ☐ On & Off Premises ☐ Beer Only
☒ Beer & Wine ☒ Mixed Beverage ☐ Catering
☐ Wholesale Distributor

Other (explain) _____

6. Additional comments/description/operational characteristics:



Signature of Applicant

Note: A page size drawing showing the floor plan, seating arrangement, bar arrangement, entrances and exits and dance floor location and size must be submitted with this exhibit (see attached Floor Plan example).



City of Norfolk

Inter Department Correspondence Sheet

TO: City Manager

FROM: City Planning Commission

COPIES TO:

SUBJECT: Application for a Special Exception
..... (9 P.H. 26 February 2004)

PART 1: APPLICATION DESCRIPTION:

Nature of Applications:

Adult Use Special Exception: To operate an Eating and Drinking Establishment.

Location: 5802 E. Virginia Beach Boulevard, Suite 140 (Maps 1 and 2).

Applicant: Wasabi, Inc. by Michael La

Property Owner: Janaf Shops Tenant, LLC

Description of proposed use:

The former Montgomery Ward located within the JANAF Shopping Center has been converted to a shopping center with approximately 21 tenants. Wasabi is a steakhouse and sushi bar restaurant that would like to serve beer, wine and mixed beverages to their patrons.

There will be no entertainment and 176 seats will be provided.

Description of existing land use pattern:

The site is located within JANAF shopping center and is located on the northeast corner of Virginia Beach Boulevard and Military Highway. The site is zoned C-3 (Retail Center) and is developed with retail sales and service establishments.

PART 2: ANALYSIS/EVALUATION:

Prior Zoning History:

The Planning Commission has not recently considered any applications in the general vicinity of this application.

General Plan Impact:

The General Plan designates the area as commercial/office. This proposal would be considered to be in conformance with the General Plan.

Zoning Impact:

This application is for a special exception, which acknowledge that while the use is generally permitted in the district, it is of such a character that careful scrutiny is needed to determine if it is appropriate in this specific location and, if so, under what conditions.

The application for an eating and drinking establishment requires an adult use special exception, to which particular locational standards (described in Subsection 25-10.1) dealing with the concentration of similar facilities and the proximity to residential districts apply. Granting the request could require the waiver of these standards. One waiver is needed for this application as is illustrated on Map 5.

The waivers may be granted by City Council if all four of the following findings are made:

- 1) that the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- 2) that the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- 3) that the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- 4) that all applicable regulations of the zoning ordinance and special conditions attached to special exception will be observed.

As shown on Map 1, the site is located in a C-3 (Retail Center) district, which is generally developed with conforming uses. This use will have to observe the general conditions for special exceptions contained in Section 25-9 of the Zoning Ordinance and the special standards relating to adult uses contained in Subsection 25-10.1.

PART 3: RECOMMENDATION:

The Planning Commission unanimously recommends (by a 6 to 0 vote with one abstention) that this adult use special exception for the eating and drinking establishment be approved subject to the following conditions:

- 1) The hours of operation shall be from 10:30 a.m. until 1:00 a.m., seven days a week.
- 2) There shall be no more than 176 seats.
- 3) No entertainment shall be provided.
- 4) The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.
- 5) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto.
- 6) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

Property Description:

A building measuring 588 feet, more or less, in width and 280 feet, more or less, in depth and located in Janaf Shopping Center, 365 feet, more or less, east of Military Highway and 580 feet, more or less, north of Virginia Beach Boulevard.

Proponents:

Michael La
5802 East Virginia Beach Boulevard
Norfolk, VA 23502

Opponents:

NONE



Tim Polk
Executive Secretary

Attachments



City of Norfolk

EXHIBIT "A" On-Premise Sale Of Alcoholic Beverage

Date of Application _____

Trade name of business: WASABI, INC.

Address of business: 5802 E. VIRGINIA BEACH BLVD, SUITE 140

Name(s) of business owner(s) SHI JI LIN, VIRGINIA CHEN, MICHAEL LA

Name(s) of property owner(s): _____

Name(s) of business manager(s)/operator(s): KENT CHEN

Daytime telephone number: (215) 776-1805

1. Total Occupancy _____ Total number of seats 176
Number of bar seats 12 Number of Tables _____

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)
RECTANGULAR SEATS 8, SQUARE OF 4, RECTANGULAR OF 2

3. Will indoor or outdoor entertainment be provided? _____ If yes, describe the
type of entertainment (i.e., 3 piece band, disc jockey, etc.)
NO

4. Will video games, pool tables, game boards or other types of entertainment
be provided? If yes, please describe type and number of each game to be
provided:
NO

ABC On-Premises Special Exception
Page 2

5. Type of ABC license applied for (check all applicable boxes):

- ☒ On Premises ☐ On & Off Premises ☐ Beer Only
☒ Beer & Wine ☒ Mixed Beverage ☐ Catering
☐ Wholesale Distributor

Other (explain) _____

6. Additional comments/description/operational characteristics:



Signature of Applicant

Note: A page size drawing showing the floor plan, seating arrangement, bar arrangement, entrances and exits and dance floor location and size must be submitted with this exhibit (see attached Floor Plan example).

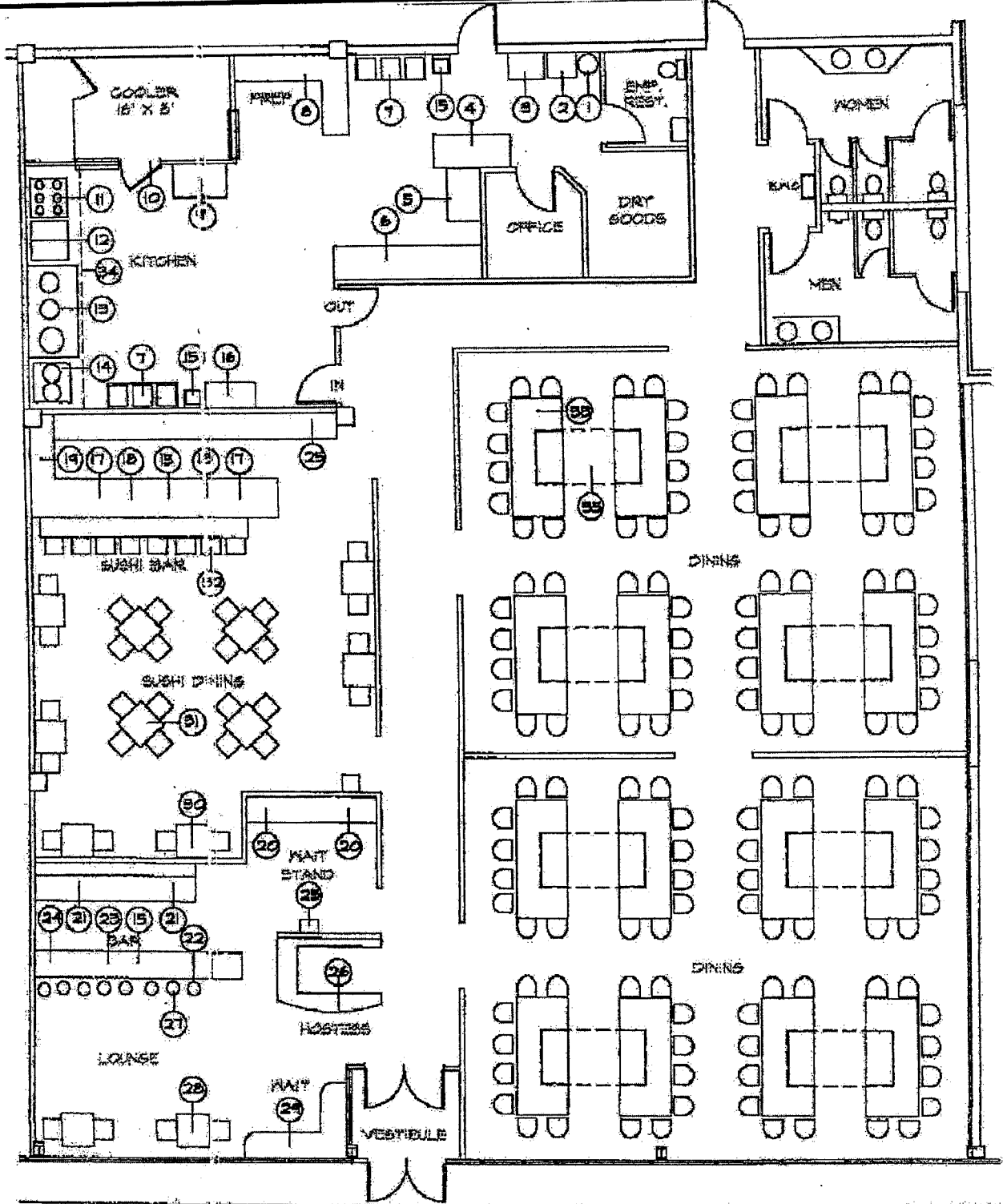
WASABI, INC.



3. FLOOR PLAN

PROPOSED SPECIAL EXCEPTION

WASABI, INC.



Planning Commission Public Hearing

February 26, 2004 Application 9

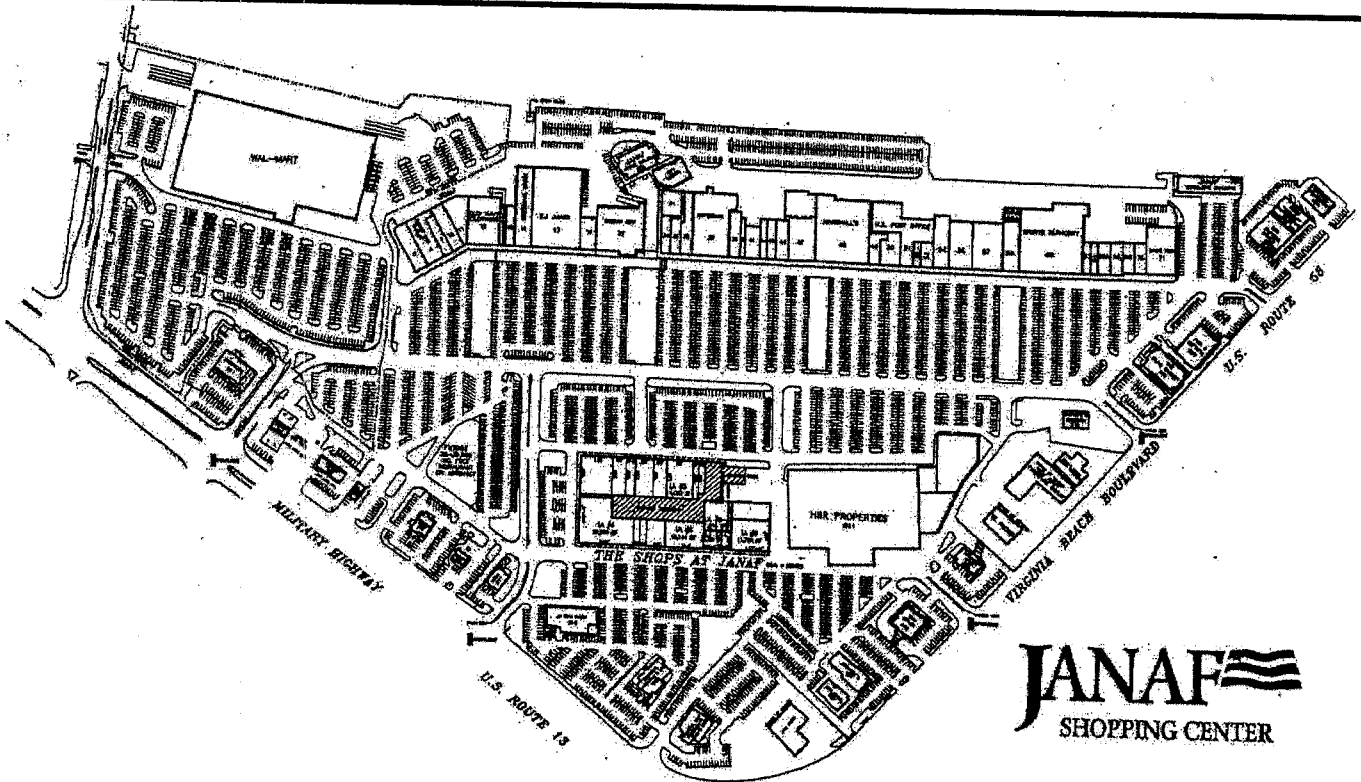
Location

Scale: 1" = 800'

4. SITE PLAN

PROPOSED SPECIAL EXCEPTION

WASABI, INC.



Planning Commission Public Hearing

February 26, 2004

Application 9

Location

Scale: 1" = 800'

